

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21108
Docket Number CL-21202

James C. Mc Brearty, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employes
(
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood GL-7818, that:

1. The Carrier violated, and continues to violate the rules of the Clerks' Agreement when it denied Collette Luger the Class "B" Accountant position, Customer Accounting Center Office, General Office, St. Paul, Minnesota.
2. The Carrier shall now be required to place Collette Luger on the Class "B" Accountant position, and reimburse her for any loss of wages resulting from her being denied the right to exercise seniority on the Class "B" Accountant position.

OPINION OF BOARD: Claimant commenced employment with Carrier on September 11, 1964. Thereafter, she worked in the Freight Accounting Department until September, 1970, at which time she became a clerk in the Valuation Engineering Department.

Claimant continued working in this department until February, 1974, at which time Carrier effectuated an operational change which affected a number of employes in the Burlington Northern General Office Building. Those employes who were affected were required to exercise displacement rights in accordance with Rule 18 of the Clerks' Working Rules Agreement.

Claimant attempted to exercise seniority rights by displacing a junior employe on a Class "B" Accountant position in the Customer Accounting Center, St. Paul General Office Building.

Claimant's written request for the Class "B" Accountant position was rejected by Carrier; the determining factor being her failure to successfully pass a written test.

On February 25, 1974, Claimant wrote to Carrier requesting a hearing under the provisions of Clerks' Agreement Rule 58, entitled, "Grievances." A hearing was then held on March 1, 1974. As a result of this hearing, Carrier issued a decision on March 14, 1974, sustaining the original decision to reject Claimant's request for the Class "B" Accountant position.

Claimant and Carrier have held conferences, but have been unable to reach a solution resolving the dispute. Hence, this claim has been referred to the Board.

From our review of the entire record, we conclude that the same basic contentions set forth herein were presented to us in Award Number 21107, and that the same considerations which prompted our Award in that dispute control the outcome of this case. Accordingly, for the reasons set forth in our Award No. 21107, we will deny this claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 29th day of June 1976.